

MJC:lml 95450 \Pleadings\95450 5 Answer 7-9-19

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CHRISTOPHER JOHNSON

V.

CITY OF PROVIDENCE, by and through
its Treasurer, James J. Lombardi, III
and MATTHEW SHERIDAN, individually
and in his official capacity as a
Providence Police officer

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C.A. No. 19-cv-00283-JJM-PAS
Jury Trial Demanded

ANSWER OF DEFENDANT, MATTHEW SHERIDAN

1. No answer required by this defendant.
2. Denied.
3. No answer required by this defendant and to the extent that the allegation implies any wrongdoing on the defendant's part, the allegations are denied.
4. Unknown and denied.
5. No answer required by this defendant.
6. Admit.
7. Admit.
8. Admit.
9. Unknown and denied.
10. Unknown and denied.
11. Unknown and denied.
12. Admit to so turning and pulling up to the plaintiff. The remainder of the allegation is unknown and denied.
13. Admit.

14. Unknown and denied.
15. Denied.
16. Denied.
17. Denied.
18. Admit the same as being the reason for initial request.
19. Denied.
20. Admit to getting out of the vehicle. The remainder of the allegations are denied.
21. Denied.
22. Admit to the plaintiff saying something along those lines.
23. Deny slamming the plaintiff into the vehicle. Admit asking him why he acted in the manner that he did.
24. Deny slamming the plaintiff. Admit that the plaintiff dented the car.
25. Admit the plaintiff said something along those lines.
26. Denied.
27. Denied.
28. Admit.
29. Denied.
30. Admit.
31. Admit.
32. Unknown and denied.
33. Unknown and denied.
34. Unknown and denied.

35. Denied.

36. No answer required by this defendant and to the extent that the allegation implies any wrongdoing on the defendant's part, the allegations are denied.

37. No answer required by this defendant and to the extent that the allegation implies any wrongdoing on the defendant's part, the allegations are denied.

38. No answer required by this defendant.

39. No answer required by this defendant.

40. Admit defendant is a defendant in two other cases. Denied as to the remaining allegations.

41-48. No answer required by this defendant and to the extent that the allegation implies any wrongdoing on the defendant's part, the allegations are denied.

49. Denied.

50. Denied.

51. Defendant incorporates his answers to the said realleged paragraphs.

COUNT ONE

False Arrest in Violation of the Fourth Amendment and Actionable Under 42 U.S.C. §1983

52. No answer required by this defendant and to the extent that the allegation implies any wrongdoing on the defendant's part, the allegations are denied.

COUNT TWO

False Arrest and False Imprisonment in Violation of Article 1, §6 of the Rhode Island Constitution

53. Denied.

COUNT THREE

Excessive Force in Violation of the Fourth Amendment Actionable Through 42 U.S.C. §1983

54. Denied.

COUNT FOUR

Excessive Force in Violation of Article 1, §6 of the Rhode Island Constitution

55. Denied.

COUNT FIVE

***Denial of Equal Protection in Violation of the Fourteenth Amendment,
Actionable Through 42 U.S.C. §1983***

56. Denied.

COUNT SIX

Denial of Equal Protection in Violation of Article 1, §2 of the Rhode Island Constitution

57. Denied.

COUNT SEVEN

***Malicious Prosecution in Violation of the Fourth, Fifth and Fourteenth
Amendments, Actionable Through 42 U.S.C. §1983***

58. Denied.

COUNT EIGHT

Common Law Assault

59. Denied.

COUNT NINE

Common Law Battery

60. Denied.

COUNT TEN

Common Law False Arrest

61. Denied.

COUNT ELEVEN

Common Law Malicious Prosecution

62. Denied.

COUNT TWELVE

Civil Rights Act of 1990, R.I. Gen. Law §42-112-1 et seq.

63. Denied.

AUTHORITATIVE AND/OR OTHER DEFENSES

1. Defendant pleads qualified immunity.
2. Defendant pleads assumption of the risk.

DEFENDANT, MATTHEW SHERIDAN,
By his Attorney,

/s/ Michael J. Colucci
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CERTIFICATION

I hereby certify that I have filed the within with the United States District Court on this 9th day of July, 2019, that a copy is available for viewing and downloading via the ECF system, and that I have caused a copy to be sent to:

Shannah Kurland, Esq.
149 Lenox Avenue
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Kevin F. McHugh, Esq.
Providence Law Dept.
c/o City Solicitor's Office
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Providence RI 02903

/s/ Michael J. Colucci